

Summary of Powertech's Comments on the UIC Class III Area Permit

- **Nuclear Regulatory Commission (NRC) License requirements adequately protect underground sources of drinking water (USDWs):** Powertech believes the NRC requirements for monitoring and groundwater restoration adequately protect underground sources of drinking water (USDWs) outside the AE boundary; therefore, duplicative requirements and additional monitoring and modeling requirements for protection of USDWs in the UIC permit are unnecessary.
- **The EPA does not have a science-based justification for additional monitoring requirements:** Powertech stated that the EPA has not provided scientific data justifying the need for monitoring requirements demonstrating in-situ (ISR) contaminants will not cross the downgradient aquifer exemption (AE) boundary. Powertech does not believe there is evidence that a USDW has been impacted by ISR operations, citing a 2009 NRC staff assessment prepared for the Commission stated there is no documentation that ISR injection zone fluids have migrated into a USDW. (This study was released before a 2013 paper was published documenting ISR-related contamination of a private well in Texas.)
- **Class III Permit monitoring and modeling requirements were based on proposed regulations that EPA withdrew:** Powertech thought the UIC permit requirements were based on the withdrawn proposed updates to the 40 CFR part 192 regulations promulgated by EPA under the Uranium Mill Tailings Radiation Control Act, rather than UIC regulations requiring protection of USDWs under the Safe Drinking Water Act. Because the EPA withdrew the proposed part 192 regulations, Powertech does not think we have regulatory authority for the Class III permit monitoring and modeling requirements.
- **UIC Class III Permit requirements pose economic disadvantage:** Powertech stated that the Class III permit requirements for demonstrating USDW protection were inconsistent with requirements in State-issued ISR permits. Powertech would like the EPA to make the Class III permit requirements more equivalent to the State Primacy program ISR permits. Powertech is concerned the EPA monitoring requirements for demonstrating protection of USDWs will give them an economic disadvantage compared to other ISR companies.
- **The scope of geochemical modeling requirements are unprecedented/unwarranted:** Although Powertech proposed the use of geochemical modeling to replace post-restoration groundwater monitoring requirements proposed in the first draft Class III permit, the requirements in the second draft permit are more prescriptive than Powertech expected to see, and exceed NRC requirements. In their comments on the second draft permit, Powertech provided additional information on the extent of modeling they expected to conduct, consisting of one model representing the four wellfields in Dewey area and one model representing the 14 wellfields in the Burdock area. They expected to analyze the reactive transport of only one or two ISR contaminants.
- **Class III Requirements too prescriptive or too vague:** Powertech stated that some of the geochemical modeling requirements were too prescriptive, while others were too vague, for them to comply with. Powertech stated that some of the requirements for development of the site conceptual model intended to support geochemical model were not very clear.
- **Concerns about reference documents prepared by EPA contractor:** Powertech was concerned that the reference documents developed by the contractor to assist the EPA in developing the permit requirements for

the site conceptual model and geochemical modeling were also requirements they would need to comply with under the Class III permit.